



Sprint Nextel
401 9th Street, NW, Suite 400
Washington, DC 20004
Office: (202) 585-1909 Fax: (202) 585-1897

Michael B. Fingerhut
General Attorney

January 26, 2006

BY EMAIL

Ms. Marcy Greene
Assistant Chief
Telecommunications Consumer Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554

Re: 2004 CPNI Compliance Certification

Dear Ms. Greene:

In our telephone conversation on January 25, 2006, you requested that Sprint Nextel provide the Commission with its latest CPNI annual certification. *See* 47 C.F.R. §2009(e). Sprint Nextel is in the process of preparing its certification for calendar year 2005. Thus, I am providing to you the certifications that Sprint and Nextel each prepared in 2005 for calendar year 2004.

If you have any questions or need any further information, please contact me.

Respectfully submitted,

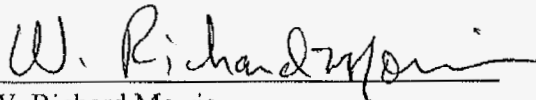
Enclosures

2004 CPNI CERTIFICATE

In compliance with 47 C.F.R. §64.2009(e)

1. I am W. Richard Morris, Vice President – External Affairs and Chief Privacy Officer of Sprint/United Management Company. Sprint/United Management Company provides management services for the companies owned or controlled by Sprint Corporation.
2. Sprint Corporation owns or controls multiple telecommunications carriers. These telecommunications carriers are: 1) incumbent local exchange carriers, 2) interexchange carriers, 3) competitive local exchange carriers, and/or 4) CMRS carriers. For the purposes of this Certificate, the Sprint incumbent local exchangers will be referred to as Sprint LTD. The interexchange carriers and competitive local exchange carriers are generally within the Sprint Communications Company L.P. group of companies. The CMRS carriers are within Sprint Corporation's PCS division. The operating groups of Sprint include Sprint Business Solutions (SBS), Sprint Consumer Solutions (SCS) and Sprint Local Consumer Solutions (SLCS). SBS manages sales to Sprint's business customers across Sprint LTD, Sprint Communications Company, L.P. and Sprint PCS. SCS manages sales to Sprint's consumer customers across Sprint Communications Company, L.P. and Sprint PCS. SLCS manages sales to Sprint's local consumer customers in Sprint LTD areas. This information is effective for 2004.
3. I have undertaken an investigation, with the assistance of personnel from each operating group, of the operating procedures related to CPNI acquisition, storage, protection, use, and customer permission to use data of all of the telecommunications carriers owned or controlled by Sprint Corporation.
4. Based on my personal investigation and the reports of others in response to my investigation, it is my opinion that the operating procedures of the telecommunications carriers owned or controlled by Sprint Corporation are generally in compliance with the FCC's CPNI rules in effect in 2004. Specific organizations and compliance issues are discussed in the accompanying statement market Attachment A.

I state under penalty of perjury that the foregoing is true and correct. Executed on February 22, 2005.


W. Richard Morris

ATTACHMENT A TO 2004 CPNI CERTIFICATE

One Sprint Transition Activities

Effective January 1, 2004 Sprint reorganized the way it addressed markets across the nation. Previously, Sprint LTD addressed both the business and consumer local markets; Sprint PCS addressed both the business and consumer wireless markets; and Sprint Communications Company L.P., through its General Markets Group (GMG) and Mass Markets Organization (MMO), addressed both the business and consumer long distance and CLEC markets. Under the new organization, Sprint Business Solutions (SBS) markets local, long distance and wireless offerings to the business segments; Sprint Consumer Solutions (SCS) markets CLEC, long distance and wireless offerings to consumer customers in non-LTD areas, and Sprint Local Consumer Solutions (SLCS) markets to local consumer customers within LTD areas. This was a massive change in operations and was accompanied with significant reductions in personnel as groups were reorganized under the new structure.

To ensure that CPNI protection was being adequately addressed after the reorganization, an audit of the process was undertaken for SBS, SCS and SLCS. Deficiencies were noted and action plans addressing identified problems were rapidly implemented.

Sprint Local Consumer Services (SLCS)

SLCS maintains in its computer records an indicator of whether the customer has withdrawn his or her consent to use CPNI for marketing purposes. This indicator is used in determining which customer's CPNI will be entered into a statistical model for the development of telemarketing leads lists. If the customer's CPNI indicator is "N" for no, then that customer will not be included in the list of customers whose CPNI will be run through a statistical model to find those customers with the greatest propensity to buy, and who will be added to an outbound telemarketing leads list. SLCS's computer systems will warn call center reps of any customer who has a CPNI indicator of "N" on every inbound call during which the rep will make a sales offer to the customer. If the customer's CPNI indicator is an "N", the rep is trained to request CPNI authority from the customer before making an offer. Since the majority of the offers being made involve bundled products which include long distance, PCS, or both, the Law Department has advised SLCS that the reps should get this consent on every inbound call involving a customer with a CPNI indicator of "N". If the customer refuses to give consent, then the rep will only market local services, CPE, or information services such as MessageLine to the customer during the call. SLCS's intelligent offer system, SHOP, also dips into the database for the CPNI indicator. When a customer calls into a Sprint call center, SHOP will capture the customer's telephone number, and based on a number of different factors

will predetermine for the rep at least three separate offers that the rep should make to this customer. If this customers' CPNI indicator is an "N", SHOP automatically makes the propensity model score for this customer a "zero". As a result, SHOP may still identify offers to the rep that include long distance or PCS. However, the SHOP suggestion of that offer was not made based on CPNI.

SLCS periodically performs a blanket written notification to its existing customer base advising customers of their CPNI rights and giving them the opportunity to opt-out. Customers may opt-out by either writing SLCS or by calling a SLCS call center. Additionally, SLCS prints the same notice on the customer fulfillment materials that are mailed out immediately following an order for new service. As a result of the mass notice and the notification of new customers, SLCS has provided notice and the opportunity to opt-out to all of its customers in its customer base. The last mass renoticing of customers occurred in April 2003. Customers in Washington were excluded from the April 2003 mass renoticing due to state-specific notice requirements, and were renoticed in January 2004. All existing customers (including Washington customers) will be renoticed again in April 2005 and every two years afterward. Any customers who elect to opt out will have the CPNI indicator on their account changed to "N" and that indicator will remain as an "N" indefinitely until Sprint is directed to change it by the customer.

All new SLCS service representatives are trained on CPNI rules and procedures as part of their "new hire" training. The Online Handbook contains reference materials for SLCS reps to review regarding the appropriate use of CPNI. When rules or circumstances change that warrant the publication of a new M&P, SLCS's representatives are directed to review the M&P at that time, thereby refreshing their CPNI training. In addition, personnel with access to CPNI were offered the Sprint University of Excellence CPNI on-line course. Enrollment during the reporting period was above 90%.

CPNI treatment is an area that is assessed by SLCS's quality analysts (QAs) when they monitor calls handled by the call center reps. If an employee were discovered to have inappropriately used CPNI, the employee would be subject to appropriate discipline per Sprint policy, up to and including termination.

For each sales and marketing campaign, SLCS develops a "strategy document". This document describes the products being marketed, the time period during which the marketing will occur, any geographic limitations, and any other information pertinent to the campaign. The document will also state whether any propensity models will be used to determine those customers to which the offer will be marketed. Strategy documents are retained by the SLCS Marketing group in excess of 12 months in either hard copy or electronic format.

The statistical models that are used are product-specific, not campaign-specific. Accordingly, if a new campaign involved the sale of Sprint bundles, then the Sprint bundle propensity model would be used. Since the bundle includes interLATA long distance products, those customers with a CPNI indicator of "N" would be excluded from modeling since they had opted-out of CPNI use for marketing additional products and

services. If, on the other hand, the product being marketed was only caller ID, which is a local service, then the CPNI indicator would not be a factor in the propensity model and all eligible local customers would be run through the model. These models are kept indefinitely. SLCS keeps records of each customer contacted during a campaign, either by telemarketing, direct mail, or any other form of contact. As a result, if a customer with a CPNI indicator of "N" was contacted and complained to Sprint of that contact, Sprint can research in its records just how that customer's name was placed on the leads list, and can take any necessary steps to correct the problem.

As part of the fulfillment materials sent to new customers, a complete CPNI notice package and opt-out instructions was presented. Any customer responding to the fulfillment package opt-out opportunity led to Sprint changing the CPNI indicator from a "Y" to an "N". Additionally, in all cases with new customers, CPNI was not used for marketing purposes until at least 45 days had passed. In response to this discovery, Sprint has changed the process used by the service representatives when new service is established and when the system provided a prompt to ask for CPNI authorization. The service representative no longer orally asks whether CPNI may be used and the CPNI indicator is initially populated with an "N". Oral solicitation for anything other than one time use has been discontinued.

The audit of SLCS aimed at ensuring that CPNI protections were functioning correctly after the 2004 reorganization resulted in a nearly clean slate for SLCS. The only other deficiency noted was the lack of a 33 day waiting period in the SLCS CPNI notice stating that Sprint would not use CPNI until 33 days had passed after mailing the opt-out notice to customers. This deficiency was corrected.

Sprint Consumer Solutions (SCS)

SCS provides each consumer wireline CLEC and long distance customer with a CPNI notice in the "Sprint Terms and Conditions of Service" booklet with each fulfillment package. SCS also provides each consumer wireless customer with a CPNI notice packaged with the Sprint PCS terms and conditions in the box containing the Sprint PCS handset. These documents define CPNI and tell the customer that Sprint will share his or her CPNI with Sprint affiliates and advises the customer of his or her right to prevent such disclosure by proactively contacting Sprint. If the customer does not contact SCS proactively, then consent is implied after more than 33 days waiting. A toll free number is provided for use by customers in opting-out. This toll-free number is answered by an Interactive Voice Response (IVR) unit which captures opt-out decisions by customers. In the event a customer calls the Service or Sales channels with a CPNI restriction-related request, Sprint associates are trained to provide the CPNI toll free number. The responses from this IVR are posted to customers' records in the marketing database each week. Those who decline through the toll free number have their declining records kept for 90 days but the customer information systems are fed this data and it is maintained indefinitely until changed in the system.

The entire embedded base of SCS customers were appropriately noticed of their CPNI rights and solicited via an opt-out system for CPNI use rights within the last two years.

Existing associates in sales centers and other SCS positions dealing with CPNI were trained on CPNI issues through the Sprint University of Excellence On-line CPNI training program, with enrollment above the 90% level. Further, CPNI training is provided via new-hire training to new associates. Information on CPNI is readily available along with specific CPNI instruction and handling procedures. Sprint associates are informed that they are subject to Sprint's standard HR disciplinary policy, up to and including termination, for misuse of CPNI.

All marketing programs require director-level signatures and above. SCS marketing retains records of each campaign, including dates, the purpose of the campaign, and the products offered, in the Program Management Document (PMD). This document is an enhancement of previous tools and was modified as a result of SCS audit findings of deficiencies in this area. The PMD has the ability to provide information concerning compliance with CPNI requirements. The PMD is cross-referenced to the Marketing Request database and the materials are stored for more than 12 months in secure locations. Marketing initiates all campaign and the Marketing Manager driving the campaign is responsible to add CPNI where applicable in the business case phase. The Market Manager ensures the campaign is operated in compliance with CPNI rules and that those customers that have opted-out of CPNI use are removed from marketing lists. In response to additional audit findings, quality checks were added to marketing list processing software to ensure that all customers with CPNI denials are suppressed from the appropriate campaigns. After implementation, these double-checks have identified and corrected inaccurate systems feeds to the Customer Marketing database before CPNI was inappropriately used. Further, the Leads Manager double-checks the order for legal compliance before processing it through the system. Finally, quality control software was developed to avoid identified issues stemming from pulling CPNI at various customer levels (account, subscriber, and household).

Sprint Business Solutions (SBS)

All SBS direct marketing campaigns are reviewed and approved through the Marketing Approval Process, managed by the Marketing Program Integration team. The team ensures that all campaigns are reviewed and approved by Database Marketing (DBM). DBM serves as the gatekeeper to ensure that CPNI requirements are met in every campaign. DBM uses the Project Tracking System (PTS) for customer selection requests for all direct marketing campaigns. DBM evaluates every PTS request and notifies the requestor whether or not CPNI rules apply to the campaign. DBM has a documented set of CPNI Methods and Procedures that guides use of CPNI authorization and information.

SBS generally collects CPNI authorization from SBS customers via the opt-out method, except for a few strategic segment customers who are subject to opt-in authorization. For smaller business accounts, CPNI opt-out requests are collected via an IVR system. The IVR is available 99.9%. The IVR includes its own set of automated validation routines to ensure accurate collection of the CPNI responses. The IVR automatically applies opt-out requests to customer accounts and prevents manual input errors, all on a real-time basis.

For larger business accounts in the Enterprise and Strategic segments, CPNI opt-out is requested via a written response rather than an IVR. In the Enterprise and Strategic segments, under the most recent CPNI solicitation, the customer's account representative serves as the CPNI out-out collection point. A customer referring to previous notices will still have access to the IVR method of opting out. To date, there have been no opt-outs collected from Enterprise customers by contacts made with the customer's account representative.

CPNI records are maintained in an electronic database with restricted access. Only one member of the DBM team updates CPNI records, others members of the team have read-only access. The records are updated on a daily basis from mail responses and the IVR. Once a customer account is marked as opt-out, the account cannot be changed from that status unless specifically requested by the customer.

All new SBS customers receive their initial CPNI notification in the Services fulfillment package. This package is sent within 2-7 days for each new service that a customer subscribes to. All SBS customers are current in their CPNI notifications. Recurring notice is sent via bill insert, postcard or direct mail letter.

SBS associates were trained on CPNI through the Sprint University of Excellence Web-based CPNI course that is part of the required SBS employee curriculum. Approximately 90% of employees had been trained during 2004, with some segments up to 96%. Sprint associates are informed that they are subject to Sprint's standard HR disciplinary policy, up to and including termination, for misuse of CPNI.

All marketing campaigns are documented in the Project Tracking System (PTS) database as they are entered by the requestor at the PTS website (<http://10.122.105.21.pts/pt.home>). All campaigns are reviewed by Database Marketing to determine whether CPNI is required. If CPNI applies to the information, there is a standard method to identify and display CPNI restrictions. Each campaign record in the PTS database includes a campaign-specific indicator whether CPNI was utilized in the selection process. PTS records are maintained for a minimum of 12 months or more as required and documented in the DBM M&Ps. As a result of the audit at the beginning of 2004, deficiencies in this records keeping and other deficiencies were discovered and action was taken to solve identified problems.

NEXTEL COMMUNICATIONS, INC

2004 CPNI Compliance Certification

1. Pursuant to the rules of the Federal Communications Commission ("FCC"),¹ I, **Celeste M. Moy, Assistant General Counsel, Chief Privacy Officer and Agent** for NEXTEL COMMUNICATIONS, INC. ("Nextel"), hereby submit this annual certification regarding Nextel's establishment of operating procedures to ensure compliance with the FCC's rules for the protection of customer proprietary network information ("CPNI"). As required by 47 C.F.R. § 64.2009(e), I make this certification based on my personal knowledge and supervision of Nextel's implementation of operating procedures to ensure CPNI compliance.

2. Nextel has developed a multi-faceted compliance program to safeguard the storage and use of CPNI. Nextel has sent to its subscribers CPNI notices to inform them of their rights and Nextel's obligations regarding the use of, disclosure of and access to CPNI, and to request customer consent to use, disclose and access CPNI to the extent required by 47 C.F.R. §§ 64.2007, 64.2008. In 2002, Nextel conducted a full review of its data storage and retrieval systems and activated a program to update its systems to safeguard CPNI, control access and allow employees to determine the status of a customer's CPNI approval prior to any use of CPNI that would require customer consent pursuant to the FCC's rules.² In 2004, I requested that Nextel's Internal Audit Department review the CPNI compliance program to determine the adequacy of the formal processes and procedures established by the Office of Privacy to ensure company compliance with the FCC's CPNI rules.

3. Review of the CPNI program conducted by Nextel's Internal Audit Department in the Third Quarter of 2004 focused on the Policy, Training, Discipline, Notification, Maintenance of Records, Security, Third Party Access and Sharing, Sales and Marketing Activities, and Annual Certification. The Internal Audit Report concluded that the CPNI program provides reasonable assurance that its overall process objective to ensure compliance with the FCC's CPNI rules through a central organization, and all related sub-process objectives is being achieved. In addition, certain issues that will further improve the effectiveness and/or efficiency of the process were identified, and the Office of Privacy has developed action plans to address such issues.

4. Nextel has continued to offer a web-based training course to all of its employees to train them as to when they are, and are not, authorized to use CPNI.³ Nextel's training process includes a CPNI web-based training course tailored to sales and marketing personnel to ensure the proper use of CPNI in marketing.⁴ Nextel also has adopted a disciplinary

¹ See 47 CFR §§ 64.2001 – 64.2009.

² See 47 C.F.R. §§ 64.2007, 64.2008, 64.2009(a).

³ See 47 C.F.R. § 64.2009(b).

⁴ *Id.*

NEXTEL COMMUNICATIONS, INC

2004 CPNI Compliance Certification

process, which has been incorporated into the company's corporate compliance procedures, to address any employee mishandling or misuse of CPNI.⁵

5. Nextel has a Marketing Activity Checklist which is used to ensure that sales and marketing personnel obtain supervisory review and approval, including approval by the Office of Privacy, prior to any proposed use of CPNI in outbound marketing campaigns.⁶ The Marketing Activity Checklist, maintained through Nextel's Legal Department for a minimum of one year, includes a description of each outbound marketing campaign, the specific CPNI used in the campaign, and the products and services offered as part of the campaign.⁷ The Marketing Activity Checklist also serves to provide a record of all instances where CPNI is disclosed or provided to third parties, or where third parties are allowed access to CPNI.⁸ Nextel will be expanding its review of its relationships with third parties, including any joint venture partners and independent contractors, to identify instances where such parties may obtain access to CPNI in circumstances requiring the adoption of confidentiality agreements. Nextel has negotiated or is negotiating confidentiality agreements with such third parties where required by 47 C.F.R. § 2007(b).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, understanding and belief.

Celeste M. Moy
VP/Assistant General Counsel and
Chief Privacy Officer
NEXTEL COMMUNICATIONS, INC.

Executed on _____

⁵ *Id.*

⁶ *See* 47 C.F.R. §§ 64.2009(c), 64.2009(d).

⁷ *Id.*

⁸ *Id.*

AFFIDAVIT
OF
CELESTE M. MOY

I, CELESTE M. MOY, of full age and a citizen of the United States, do hereby solemnly swear under penalty of perjury that the foregoing is true and correct:

1. I am the former Vice President, Assistant General Counsel and Chief Privacy Officer of Nextel Communications, Inc., a corporation acquired by merger by Sprint Nextel Corporation in August, 2005.
2. I held this position with Nextel Communications, Inc. from April 2002 through October, 2005.
3. The matters contained herein are within my personal knowledge or from the records of Nextel to which I had access, unless it is otherwise stated.
4. I affirm that the attached 2004 CPNI Compliance Certificate is a true copy of the 2004 Certification that I prepared and executed in November 2004 after reviewing and responding to Nextel's 2004 Internal Audit CPNI report in October 2004.
5. I affirm that the matters contained in the 2004 CPNI Compliance Certificate are true and correct to the best of my knowledge, understanding and belief.

In witness whereof, I have signed this Affidavit in McLean, Virginia, United States, on

January 25, 2006.

By: Celeste M. Moy
Celeste M. Moy
Of Counsel
Morrison & Foerster LLP
1650 Tyson's Boulevard
McLean, Virginia 22101

COMMONWEALTH OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX)

On January 25, 2006, before me personally appeared Celeste M. Moy, known to me to be the person who executed the foregoing document and who being duly sworn, did depose and say that she signed her name to the foregoing document.

WITNESS my hand and official seal.

Notary Public

